

FILED

December 19, 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY Brianna Winter
DEPUTY

**NICOLE JACKSON,
Plaintiff**

vs

**STONEHAVEN DENTAL - HARKER
HEIGHTS, PLLC a/k/a STONEHAVEN
DENTAL & ORTHODONICS, and
STONEHAVEN DENTAL, PLLC, and
MB2 DENTAL SOLUTIONS, LLC
Defendant**

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CIVIL ACTION NO. 6:19-CV-00715

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Now Comes NICOLE JACKSON, hereinafter called "Plaintiff" complaining of STONEHAVEN DENTAL - HARKER HEIGHTS, PLLC a/k/a STONEHAVEN DENTAL & ORTHODONTICS, and STONEHAVEN DENTAL, PLLC, and MB2 DENTAL SOLUTIONS, LLC, hereinafter referred to as "Defendant," and for cause of action would show the Court and Jury the following:

SUMMARY OF THE COMPLAINT

This is an employment law suit alleging hostile work environment and discriminatory discharge of Plaintiff by Defendant based on race, as well as retaliation for opposing illegal discrimination. Plaintiff alleges causes of action under *Title VII of the Civil Rights Act of 1964 (Title VII)*; 42 U.S.C. § 1981, as amended in 1991 (§ 1981); and *Chapter 21 of the Texas Labor Code (Texas Labor Code)* and seek a jury trial to recover damages for back pay, front pay, compensatory damages, punitive damages, and attorney's fees.

PARTIES

1. Plaintiff is an individual. Defendant is an entity doing business in the state of Texas. Defendant was the employer of Plaintiff at all times relevant to this suit. Plaintiff brings this suit against the entity or entities, which have done business as “Stonehaven Dental - Harker Heights, PLLC” and/or “Stonehaven Dental & Orthodontics” and/or “Stonehaven Dental, PLLC” and/or “MB2 Dental Solutions, LLC” in Texas and employed, discriminated, and discharged Plaintiff from employment. Therefore, Plaintiff brings this suit against all of entities which employed Plaintiff at the time of any discrimination against them and at the time of termination of her employment.

2. Plaintiff is an adult citizen whose domicile is Texas. Plaintiff’s residence is in Temple, Bell County, Texas.

3. Defendant operates a business in Bell County, Texas. The registered agent for Defendant is Justin Puckett, 2403 Lacy Lane, Carrollton, Texas 75006-6514.

JURISDICTION & VENUE

4. Jurisdiction is based on a federal question under 28 U.S.C. § 1331 to the extent assert claims under federal law; i.e., *Title VII of the Civil Rights Act of 1964* and *42 U.S.C. § 1981*.

5. Jurisdiction of Plaintiff’s claims under the *Texas Labor Code* is also appropriate under *28 U.S.C. § 1367*, since the state law causes of action are so related to the federal claims in the action within the Court’s original jurisdiction that it forms part of the same case or controversy under Article III of the United States Constitution.

6. At all times relevant to this cause of action, Plaintiff was an “employee” of Defendant and Defendant was an “employer,” as these terms are defined under *Title VII, 42 U.S.C. § 1981*, and

Chapter 21 of the Texas Labor Code. Plaintiff has exhausted her administrative remedies as required by law and as hereinafter stated.

7. Defendant has a business location in Bell County, Texas. A substantial portion of the causes of action complained of herein occurred in Bell County, Texas.

FACTS

8. Plaintiff, whose race is Black (sometimes referred to as African American), was employed by Defendant from December 2016 until she was illegally discharged from employment by Defendant on July 24, 2017.

15. Plaintiff worked at Defendant's Harker Heights, Bell County, Texas location as an office assistant.

16. Plaintiff was treated differently by Defendant based on her race. The dentist, with which Plaintiff worked closely would single her out in front of patients to embarrass her, was more aggressive/rude with her than with White (also sometime known as Caucasian) employees, often ignored her, and would take away certain duties and give them to White employees to do instead, thus creating a hostile working environment based on race.

17. On or about April 17, 2017, Plaintiff complained to Defendant's office manager that she believed the unfair and discriminatory treatment by this dentist seemed to be due to her race. Defendant's office manager relayed this complaint to Defendant's human resources department.

18. On July 7, 2017, Plaintiff complained about this racially discriminatory behavior and hostile work environment based on race to her supervisors. On July 15, 2017, Plaintiff asked Defendant's human resources representative about the status of her complaint about racial discrimination, who assured her that the complaint was under investigation.

19. On July 25, 2017, Plaintiff was terminated.

CAUSES OF ACTION

20. Defendant's actions in harassing Plaintiff, creating a racially hostile work environment, and/or the termination of Plaintiff's employment, as described above, were in violation of *Title VII, 4, § 1981, and/or the Texas Labor Code* and constituted discrimination against Plaintiff based on race.

21. Further, Defendant's actions, as described above, in creating a racially hostile environment, and in terminating Plaintiff's employment were because Plaintiff opposed/complained of illegal discrimination against Plaintiff based on her race (Black) and constituted retaliation for having complained about/opposed racial discrimination/racially hostile environment based on race in violation of the statutes listed in the preceding paragraph.

22. Regarding Plaintiff's claim under *42 U.S.C. § 1981, as amended in 1991*, Plaintiff alleges that Defendant violated said statute by creating a racially hostile work environment, terminating Plaintiff's contract of employment with Defendant denying her the enjoyment thereof based on her race (Black) and retaliated against her because of her complaining about and opposing racial discrimination resulting in her termination of her job contract, which those employees of the White race were enjoying, as prohibited by said statute.

23. All of the foregoing alleged actions of Defendant resulted in damages to Plaintiff as described below. Plaintiff hereby invokes the authority, protection, and remedies of the statutes stated above, as well as any other laws to which Plaintiff may be entitled to invoke and utilize, in order to sue Defendant for said actions and resulting damages.

DAMAGES

24. As a result of the above actions by Defendant, Plaintiff has lost past and future wages and benefits of employment that Plaintiff received from Defendant. Further, Plaintiff has suffered pecuniary losses and past and future compensatory damages, including but not limited to, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses.

PUNITIVE DAMAGES

25. Defendant's wrongful actions in harassing and terminating Plaintiff was done knowingly, intentionally, with malice and/or recklessly in violation of Plaintiff's state and federal protected rights; therefore, Plaintiff is entitled to recover punitive damages from Defendant.

ADMINISTRATIVE PREREQUISITES

26. Plaintiff has satisfied all prerequisites to this suit, including exhausting all required administrative remedies. Plaintiff timely filed a complaint against Defendant with the Equal Employment Opportunity Commission (EEOC), which is a joint filing with the Texas Workforce Commission-Civil Rights Division (TWCCRD), based on their work sharing agreement, exhausted all administrative remedies, and requested right to sue letters from the EEOC and the TWCCRD on October 23, 2019. Plaintiff received a right to sue from the EEOC on November 4, 2019 and from the TWCCRD on November 27, 2019 and filed suit within the statutorily mandated period. All other conditions precedent to this suit have been performed or have occurred.

INJUNCTION/EQUITABLE RELIEF

27. On a finding that Defendant has engaged in an unlawful practice(s), as alleged above, Plaintiff requests the Court to prohibit by injunction the Defendant from engaging in the unlawful

employment practice(s) and order any and all additional equitable relief as may be appropriate as listed and set out in Title VII and § 21.258 of the Texas Labor Code. Plaintiff further requests reinstatement if reasonably possible under the circumstances at the time of the order.

ATTORNEY'S FEES

28. Plaintiff had to employ one or more attorneys to vindicate her rights under the law, and seek reasonable and necessary attorneys' fees.

JURY DEMAND

29. Plaintiff hereby respectfully demands a trial by jury.

PRAYER

WHEREFORE, Plaintiff requests that Plaintiff be awarded relief and damages, as stated above, including past and future lost compensation and benefits, past and future compensatory damages, punitive damages, injunctive relief, reinstatement if reasonably possible, attorney fees, costs of court, and such other relief, both at law and in equity, as Plaintiff may be justly entitled.

WASH & THOMAS

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By: /s/ Danny C. Wash

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and

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ATTORNEYS FOR PLAINTIFF

CIVIL COVER SHEET

CASE NO. 6:19-CV-00715

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.